IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5132 of 2005

Between:

M/s. New Club, 371, Street No.8, West Maredpally,
rep.by its President,
Sri M.Madhusudhan Reddy.

..... PETITIONER

AND

1 Commercial Tax officer, Maredpally Circle, Secunderabad.
2 Commercial Tax officer, Maredpally Circle, Secunderabad.
3 Appellate Deputy Commissioner (CT) Punjagutta Division, Hyderabad.
4 Additional Commissioner (CT) (L), Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus granting stay of collection of the balance disputed tax of Rs.1,03,788/- for the assessment year 2000-2001 arising in pursuance of the stay rejection order of the third respondent dated 25-01-2005 passed in CCT's Ref.No.LIII(2)/73 2005 read with the assessment order of the second respondent dated 19-10-2004 pending disposal of the appeal before the third respondent or to pass such further or other orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.KRISHNA MURTHY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following:

ORAL ORDER:- (PER GB,J.)

Since the appeal is already pending before the 3rd respondent-Appellate Deputy Commissioner (CT), the Writ Petition is disposed of with a direction that the respondents shall not initiate any coercive steps for recovery of disputed tax on condition the petitioner depositing a sum of Rs.25,000/- (Rupees twenty five thousand only) before the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order.

2. The 3rd respondent shall dispose of the appeal within a period of two months from the date of deposit.

3. With the above direction, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 25.03.2005

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To

1 The Commercial Tax officer, Maredpally Circle, Secunderabad.
2 The Commercial Tax officer, Maredpally Circle, Secunderabad.
3 The Appellate Deputy Commissioner (CT) Punjagutta Division, Hyderabad.
4 The Additional Commissioner (CT) (L), Hyderabad.

5 2 CCs to the G.P. for Commercial Tax, High Court of A.P., Hyderabad (OUT).

6 2 CD copies